



City of Hercules

111 Civic Drive
Hercules, CA 94547

Meeting Minutes

City Council

Mayor Dan Romero
Vice Mayor Roland Esquivias
Council Member Chris Kelley
Council Member Gerard Boulanger
Council Member Dion Bailey

David Biggs, City Manager
Patrick Tang, City Attorney
Lori Martin, City Clerk

Tuesday, December 10, 2019

5:30 PM

Council Chambers

SPECIAL MEETING AND SPECIAL CLOSED SESSION - 5:30 P.M.

REGULAR MEETING - 7:00 P.M.

I. SPECIAL MEETING AND SPECIAL CLOSED SESSION – 5:30 P.M. CALL TO ORDER - ROLL CALL

Mayor Romero called the meeting to order at 5:32 p.m.

Present: 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

II. PUBLIC COMMUNICATIONS

Pil Orbison.

III. DISCUSSION AND/OR ACTION ITEMS

1. [19-808](#)

Commission Interviews

Recommendation: Conduct interviews of candidates which applied to be the Hercules representative on the Contra Costa Mosquito and Vector Control Board and if the City Council so desires make a recommendation to appoint a candidate to fill the vacant seat.

Members of the City Council interviewed Mr. Duy Nguyen who applied to be the Hercules representative on the Contra Costa Mosquito and Vector Control Board.

2. [19-821](#)

Board/Commission Appointment

Recommendation: Consider making an appointment to the Contra Costa Mosquito and Vector Control Board for the start of a new two (2) year term.

Mayor Romero introduced the item. City Clerk Martin polled each Council Member for their vote on the nomination and appointment of Duy Nguyen to the Contra Costa Mosquito and Vector Control Board.

A motion was made by Mayor Romero, seconded by Council Member Kelley to approve the appointment of Mr. Duy Nguyen to the Contra Costa Mosquito and Vector Control Board. The motion carried by the following vote:

Aye: 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

IV. CONVENE INTO CLOSED SESSION

City Attorney Tang announced the items identified on the agenda to be discussed in closed session.

Mayor Romero recessed the meeting at 5:48 p.m.

1. [19-814](#) Pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel - Pending/Existing Litigation: Successor Agency to the Hercules Redevelopment Agency and City of Hercules v. California Department of Finance, et al, Sacramento Superior Court Case No. 34-2018-80003038
2. [19-815](#) Pursuant to Government Code Section 54956.9 (d)(1), Conference with Legal Counsel - Pending/Existing Litigation - Taylor Morrison of California, LLC, entitled *Taylor Morrison of California, LLC v. City of Hercules*, Superior Court for the County of Contra Costa, Case No. C19-00366.
3. [19-816](#) Conference with Legal Counsel - Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2): In one (1) matter: Hercules Development Partners, LP / Ledcor Corporation

V. REGULAR MEETING – 7:00 P.M. CALL TO ORDER - ROLL CALL

Mayor Romero called the meeting to order at 7:03 p.m.

Present: 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

VI. REPORT ON ACTION TAKEN IN CLOSED SESSION

City Attorney Tang identified the items discussed in closed session and stated that there were no final or reportable actions taken in closed session.

VII. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Mayor Esquivias.

VIII. MOMENT OF SILENCE

Mayor Romero called for a moment of silence for Frank Ordonez, the UPS driver that was taken hostage and killed last week in a police shootout in Florida.

IX. CITY COUNCIL PRESENTATIONS**1. [19-822](#) Presentation to Outgoing Mayor Romero**

Vice Mayor Esquivias presented a framed picture to outgoing Mayor Romero in honor of his service as Mayor in 2019. Members of the City Council each spoke and thanked Mayor Romero for his leadership.

2. [19-823](#) Remarks from Mayor Romero

Mayor Romero gave his outgoing remarks as Mayor.

X. CITY COUNCIL REORGANIZATION**1. [19-813](#) Selection of Mayor and Vice Mayor**

Recommendation: City Council to nominate and appoint a Mayor and Vice Mayor for 2020.

MOTION: A motion was made by Mayor Romero, seconded by Council Member Kelley, to nominate and appoint Vice Mayor Esquivias as Mayor. The motion carried by the following vote:

Aye: 5 - Mayor D. Romero, Vice Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

A motion was made by Mayor Esquivias, seconded by Council Member Romero to appoint Council Member Kelley as Vice Mayor. The motion carried by the following vote:

Aye: 5 - Council Member D. Romero, Mayor R. Esquivias, Council Member C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

2. [19-825](#) Remarks from the Newly Appointed Mayor

Mayor Esquivias gave his incoming comments as the newly appointed Mayor.

XI. RECESS FOR REFRESHMENTS

By consensus of City Council this item was moved to the end of the meeting.

XII. AGENDA ADDITIONS/DELETIONS

City Manager Biggs identified one supplemental document provided prior to the meeting with copies on the side table which was an amendment to the part-time salary schedule, Consent Item XV.6.

XIII. PUBLIC COMMUNICATIONS

Public Speakers: Tita Escolada; Issac Lin; Han Chen; Pil Orbison; Lynne Noone.

XIV. PUBLIC HEARINGS**XV. CONSENT CALENDAR**

MOTION: A motion was made by Council Member D. Romero, seconded by Vice Mayor C. Kelley, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 5 - Council Member D. Romero, Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

1. [19-810](#) **Meeting Minutes**
Recommendation: Approve the regular City Council meeting minutes of November 12, 2019.
Approved.
2. [19-809](#) **Annual Local Commission Appointment List**
Recommendation: Review and receive the Annual Local Commission Appointment List commonly referred to as the Maddy Act.
Approved.
3. [19-817](#) **Second Reading and Adoption of Ordinance 525 Approving Amendment #3 to the 2008 Hilltown Development and Owner Participation Agreement ("Development agreement") with Santa Clara Valley Housing Group (SCVHG) to Extend Key Performance Dates and Correct Reference to Affordable Housing.**
Recommendation: Waive the second reading and adopt an Ordinance of the City Council of the City of Hercules approving amendments to the Hilltown Development Agreement to extend key performance dates and to correct reference to affordable housing.
Approved.
4. [19-818](#) **Second Reading and Adoption of Ordinance 526 Amending the Hercules Municipal Code Title 9 - Building Regulations, Chapters 1-18, Adopting by Reference the New California Code of Regulations Title 24, 2019 Edition of the California Building Standards Code incorporating amendments adopted by Contra Costa County and the Rodeo-Hercules Fire Protection District**
Recommendation: Waive the second reading and adopt an Ordinance repealing and replacing Hercules Municipal Code Title 9 - Building Regulations, Chapters 1-18 as stated therein.

Approved.

5. [19-820](#)

Review Upcoming Council Agenda Items List

Recommendation: Review, discuss and provide direction, if any.

Approved.

6. [19-827](#)

2020 Minimum Wage Increase and Amended Part-Time Salary Schedule

Recommendation: Adopt a Resolution approving the 2020 Part-time Salary Schedule to ensure compliance with the California minimum wage increase as governed by State law.

Approved.

7. [19-828](#)

FY 2019-20 First Quarter Budget Report

Recommendation: Receive the report on the FY 2019-20 first quarter budget report.

Approved.

8. [19-829](#)

Acceptance of Offers of Dedication for Streets and Easements Including the Public Improvements for Tract 9362 - Victoria Crescent/Alexandria Residential Subdivision

Recommendation: Adopt a Resolution accepting the offers of dedication for streets and easements including the public improvements for Tract 9362 - Victoria Crescent/Alexandria Residential Subdivision.

Approved.

9. [19-830](#)

Approval of a Sewer Easement from the Coventry Homeowners Association

Recommendation: Adopt a Resolution approving a sewer easement from the Coventry Homeowners Association for an agreed upon amount of \$3,000 and authorizing the City Manager to sign the Grant of Easement on behalf of the City Council.

Approved.

XIII. DISCUSSION AND/OR ACTION ITEMS

1. [19-826](#) **FY 2018-19 Comprehensive Annual Financial Reports**
Recommendation: Receive the Fiscal Year 2018-19 Comprehensive Annual Financial Reports ("CAFR") and accept the audited statements.
City Manager Biggs introduced the item and Finance Director Gato provided a staff report.
2. [19-811](#) **City Council Regular Meeting Dates for the 2020 Calendar Year**
Recommendation: Review the schedule of City Council regular meeting dates in 2020 and consider canceling one or more regular meetings in August and the November 24th and December 22nd regular meetings.
By consensus of City Council this item was tabled until April 2020.
MOTION: A motion was made by Council Member Romero, seconded by Vice Mayor Kelley, to table item until April or May 2020. The motion carried by the following vote:
Aye: 5 - Council Member D. Romero, Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey
3. [19-812](#) **2020 Council Appointments on Regional Committees and Council Subcommittees**
Recommendation: Express interest and availability for the 2020 Council Appointments on Regional Committees and Council Subcommittees to be made by the Mayor at the January 14, 2020 City Council meeting.
By consensus of City Council this item was tabled to the first meeting in January 2020.
A motion was made by Council Member Romero, seconded by Vice Mayor Kelley to table this item to the January 14, 2020 City Council meeting.
Aye: 5 - Council Member D. Romero, Mayor R. Esquivias, Vice Mayor C. Kelley, Council Member G. Boulanger, and Council Member D. Bailey

XIV. PUBLIC COMMUNICATIONS

None.

XV. CITY COUNCIL/CITY MANAGER/CITY ATTORNEY ANNOUNCEMENTS, COMMITTEE, SUB-COMMITTEE AND INTERGOVERNMENTAL COMMITTEE REPORTS AND FUTURE AGENDA ITEMS

City staff and Council Members reported on attendance at events and community and regional meetings.

There were no requests for future agenda items by Members of the City Council.

XVI. ADJOURNMENT

Mayor Esquivias adjourned the meeting at 7:54 p.m.

Roland Esquivias, Mayor

Attest:

Lori Martin, MMC
Administrative Services Director/City Clerk